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EXAMINER

DOAN, DUYEN MY

ART UNIT

PAPER NUMBER

2152

MAIL DATE

DELIVERY MODE

11/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/899,827

Applicant(s)

NEWNAM ET AL.

Examiner

Duyen M. Doan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/6/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to the submission filed on 9/25/2007. Claims 1,3-31 are amended for examination. Claim 2 is cancelled. Claim 32 is newly added.

Response to Arguments

Applicant's arguments with respect to claims 1,3-32 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument in regard to the objection of claim 21, the argument is persuasive, therefore the objection is withdrawn.

In response to applicant's argument in regard to the rejection of claims 2-4,10,18-20 under 112 2nd, the argument is persuasive, therefore the rejection is withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 32 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 32 cited, "wherein one or more message are transmitted separately from the client files including the particular one or the interactive components" which is not support by the original specification.

Specification

The specification is objected to under 37 CFR 1.75(d)(1). AC
&c the rejection under 35 USC 112 first paragraph.

~~The amendment filed 9/25/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "one or more message are transmitted separately from the client files including the particular one or the interactive components".~~

~~Applicant is required to cancel the new matter in the reply to this Office Action.~~

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,23 are rejected under 35 U.S.C. 102(e) as being anticipated by Newman et al (us 2002/0133562) (hereinafter Newman)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As regarding claim 1 and 23, Newman discloses a content creator that includes tools, responsive to inputs from a producer, for generating: client files to be provided to remote clients prior to the broadcast event, the client files including interactive components that are responsive to messages sent from a server during the interactive event to cause the remote clients to display the interactive components that are indicated by the messages (see Newman pg.3, par 0036-0040; pg.4, par 0043, 0049; pg.5, par 0051), and graphical user interface for hosting by the server, the graphical

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user interface being generated prior to the broadcast event, and displaying on a monitor coupled to the server a representation of interactive components that are to be displayed during the interactive event, wherein the representation of particular one of the interactive components on the monitor is actuated via the graphical user interface for transmitting by the server one or more of the messages that triggers display of the particular one of the interactive components on the remote clients during the interactive event (see Newman pg.3, par 0036-0040; pg.4, par 0043, 0049; pg.5, par 0051).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valdez, Jr (us pat 6,426,778) (hereinafter Val) in view of Park et al (us pat 6,460,180) (hereinafter Park), and further in view of Pearson et al (us 2002/0162117) (hereinafter Pearson).

As regarding claim 1, Val discloses client files including interactive components (see Val col.3, lines 48-55, the interactive elements transmit to the user); a graphical user interface for hosting by the server (see Val col.17, lines 20-52, the editing system

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having various graphical user interface); the graphical user interface being generated prior to the broadcast event and display on a monitor coupled to the server a representation of the interactive components that are to be displayed during the interactive event (see Val col.17, lines 20-52, the graphical user interface having icons that represent the interactive content such as text or video, or audio); wherein the representation of a particular one of the interactive components on the monitor is actuated via the graphical user interface (see col.17, lines 57-64, user of the editing system interact with the icons on the screen) transmitting by the server one of messages (see Val col.19, lines 31-42, col.20, lines 49-53, transmit the content to the viewer).

Val does not disclose client files to be provided to remote clients prior to the broadcast event; the message send from a server to client trigger the display of the particular one of the interactive components on the remote clients.

Park discloses the message send from a server to client trigger the display of the particular one of the interactive components on the remote clients (see Park col.3, lines 45-50, trigger send from a server to a client cause the content to be displayed on a screen of the client unit).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Park to the system of Val to include message send from a server to client trigger the display of the particular one of the interactive components on the remote clients for the purpose of allowing the user to view the content without the user interaction (see Park, col.4, lines 37-44).

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The combination of Val and Pak does not disclose client files to be provided to remote clients prior to the broadcast event.

Pearson teaches client files to be provided to remote clients prior to the broadcast event (see Pearson pg.5, par 0058, the content is pre-stored in local memory).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the teaching of Pearson to the combination of Val-Park to pre-store the content in the client for the purpose of making the data readily available for access and thereby reducing the delay in the network.

As regarding claim 3, Val-Park-Pearson discloses the graphical user interface is responsive to the producer for receiving content during interactive event and for causing that content to be displayed at the remote clients (see Park col.3, lines 45-50, trigger send fro a server to a client cause the content to be displayed on a screen of the client unit). The same motivation was utilized in claim 1 applied equally well to claim 3.

As regarding claim 4, Val-Park-Pearson discloses the content creator is used to create polls such that during creation of a poll, a representation indicating that the poll is to be displayed is created for display by the remote clients (see Pearson pg.6, par 0063-0065). The same motivation was utilized in claim 1 applied equally well to claim 4.

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As regarding claim 5, Val-Park-Pearson discloses the content creator is used to create trivia questions such that during creation of a trivia question, a representation indicating that the trivia question is to be displayed is created for display on the graphical user interface (see Pearson pg.6, par 0063-0065). The same motivation was utilized in claim 1 applied equally well to claim 5.

As regarding claim 6, Val-Park-Pearson discloses the content creator has fields for designating a time during the event for when specified content will be displayed (see Val col.19, lines 31-54, timeline).

As regarding claim 7, Val-Park-Pearson discloses the event is a broadcast program, and the timing is based on the beginning of a segment of the broadcast program (see Val col.6, lines 21-40, broadcast, col.19, lines 31-43, start and end of the content).

As regarding claim 8, Val-Park-Pearson discloses the technical director with software interface that allows the producer to override the designated time or displaying content (see Val col.20, lines 26-53).

As regarding claim 9, Val-Park-Pearson discloses the user interface stores content created in real time during the event and causes the server to transmit that content to the remote clients (see Val col.19, lines 56-67).

As regarding claim 10, Val-Park-Pearson discloses the server sends messages to the remote clients using an Internet protocol (see Val col.2, lines 24-47, Internet, tcp/ip)

As regarding claim 11, Val-Park-Pearson discloses representation of the interactive components is via icons representing individual items of interactive content to be displayed during at least a segment of the event (see Val col.17, lines 20-56, icons as representation of the content).

As regarding claim 12, Val-Park-Pearson discloses the content creator includes a first program for allowing a producer to identify types of items of interactive functionality (see Val col.17, lines 20-56, icons as representation of the content).

As regarding claim 13, Val-Park-Pearson discloses the first program also allows the producer to create a look and feel for multiple events (see Val col.20, lines 26-53).

As regarding claim 14, Val-Park-Pearson discloses the content creator further includes a second program that receives from the first program the types of items of interactive functionality, the second program being used to enter quantities and the content for each item (see Val col.20, lines 26-53).

As regarding claim 15, Val-Park-Pearson discloses the content entered for each piece of content is used to generate files for transfer to the remote clients (see Val col.19, lines 31-54).

As regarding claim 16, Val-Park-Pearson discloses the content creator creates the user interface using the quantity of items and content of the items of interactive functionality (see Val col.19, lines 31-54).

As regarding claim 17, Val-Park-Pearson discloses the client files allow some interactive components to be provided to the remote clients before the event, and the content creator allows other interactive components to be provided during the event (see Pearson pg.5, par 0058).

As regarding claim 18, Val-Park-Pearson discloses some content is provided to the clients during the event but prior to display during event (see Pearson pg.5, par 0058).

As regarding claim 19, Val-Park-Pearson discloses some content is provided to the clients during the event for immediate display during the event (see Pearson pg.5, par 0058).

As regarding claim 20, is a combination of claim 17-19 above, rejected for the same rationale as claim 17-19 above.

As regarding claim 21, Val-Park-Pearson discloses the client file is transferred to the remote clients in advance of an episode of an event and includes multi-episode content for display for multiple events and individual episode content specific to a single episode event, wherein the content creator can create both the multi-episode content and the individual episode content (see Val col.19, lines 31-54).

As regarding claim 22, Val-Park-Pearson discloses the content creator is responsive to a producer for enabling a chat functionality during some or all of an event (see Val col.19, lines 31-54, chat data).

As regarding claims 23-29, the limitations are similar to limitations of claims 1-22, therefore rejected for the same rationale as claims 1-22.

As regarding claim 30, Val-Park-Pearson discloses the remote clients receive the broadcast event (see Val col.19, lines 31-54).

As regarding claim 31, Val-Park-Pearson discloses the messages are transmitted over a data communications network (see Val col.2, lines 24-47), and the broadcast event is broadcast over a television broadcast medium (see Val col.2, lines 48-52).

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Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Valdez, Park and Pearson as applied to claim 1 above and further in view of what was well known in the art.

Val-Park-Pearson discloses the invention as claimed in claim 1, however the combination of Val-Park-Pearson does not disclose the messages are send separate from the client files.

Official Notice is taken (see MPEP 2144.03) the concept of sending the content separately is well known at the time the invention was made.

It would have been obvious to one of ordinary skill in the art to send the content separately, because it would reduce the size of the packet, thus prevent the packet from getting loss.

Examiner's Note:

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

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In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner
Duyen Doan
10/25/2007


ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER